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STATE OF DELAWARE
BOARD OF PHARMACY

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PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, January 15, 2014
PLACE:	Conference Room A, 2 nd Floor Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	

MEMBERS PRESENT

Kimberly Robbins, R.Ph, Professional Member, Vice President
Sandra Zaragoza, R.Ph, Professional Member
Susan Esposito, R.Ph, Professional Member
Tejal Patel, R.Ph, PharmD, Professional Member
Bonnie Wallner, R.Ph, Professional Member
Matthew Maher, Public Member
Kenneth Sellers, Public Member
Jay Galloway, Public Member
David W. Dryden, R.Ph., J.D., Executive Secretary

MEMBERS ABSENT

Joli Martini, R.Ph., PharmD, Professional Member, President

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III

ALSO PRESENT

Abhishek De
Jaime Frink
Suzanne Rabb-Long

Eric Brauch
Sandra Robinson
Kelsey Miksic
Nancy Sawyer
Cheryl Heiks
Tiffany Soreg
Jeremiah Hicks
James Lent
Michael Rushe, Esq.
Ronald Sansone
Kevin Musto

CALL TO ORDER

Ms. Robbins called the meeting to order at 9:35a.m.

REVIEW OF MINUTES

A motion was made by Ms. Zaragoza, seconded by Ms. Wallner, to approve the meeting minutes for November 20, 2013 with the recommended changes. The motion unanimously carried.

PRESIDENT'S REPORT

Ms. Robbins read a report provided by President Joli Martini. "I attended the meeting of the Controlled Substance Committee on December 4th. I also attended a meeting of the Collaborative Care Committee on December 6th. That committee consists of several hospital pharmacists, retail pharmacists, representatives from the Medical Society and Pharma. It was decided at that meeting that the board would play a supporting role in Collaborative Care with Chain Drugstores taking the lead along with members from hospitals".

UNFINISHED BUSINESS

Complaint Status

13-03-11 – Assigned to Hearing Officer
13-09-11 – Assigned to Hearing Officer
13-12-11 – Forwarded to Office of Attorney General
13-19-11 – Forwarded to Office of Attorney General
13-09-12 – Assigned
13-01-13 – Forwarded to Office of Attorney General
13-02-13 – Assigned
13-03-13 – Assigned
13-04-13 – Forwarded to Office of Attorney General
13-05-13 – Assigned
13-06-13 – Forwarded to Office of Attorney General
13-07-13 – Assigned
13-08-13 – Assigned
13-09-13 – Assigned
13-11-13 – Forwarded to Office of Attorney General
13-13-13 – Forwarded to Office of Attorney General
13-14-13 – Assigned
13-15-13 – Assigned
13-16-13 – Assigned
13-17-13 – Assigned
13-18-13 – Assigned
13-19-13 – Assigned

13-20-13 – Assigned
13-21-13 – Assigned
13-22-13 – Assigned
13-23-13 – Assigned
13-24-13 – Assigned

UNFINISHED BUSINESS

Proposal To Deny Hearing-Ronald Sansone

Ms. Kelly called the hearing to order at approximately 10:00 a.m. board members were introduced and Ms. Kelly stated today's hearing was the result of a proposal to deny the application of Ronald Sansone pursuant to 24 Del. C. § 2508 (c)(1) and § 2508 (e). Ms. Kelly marked exhibit #1 as the application, documents, and correspondence and notice of hearing. In addition Ms. Kelly marked Sansone exhibit #1 submitted by his attorney Mr. Michael Rushe, Esq. Mr. Rushe introduced himself and Mr. Sansone and provided an opening statement. Mr. Sansone was sworn in. Mr. Sansone testified on his own behalf to explain the disciplinary actions he had previously received in New York, that were before the board for his proposal to deny hearing. Mr. Sansone outlined the details regarding the situations that resulted in the disciplinary actions and answered questions from the members of the board. Mr. Rushe provided a closing statement and with that the board went into deliberations. A motion was made by Ms. Esposito, seconded by Ms. Zaragoza to approve the Pharmacist application of Ronald Sansone. The motion unanimously carried. The hearing concluded at 11:02 a.m.

Proposal To Deny Hearing – Lawrence Lubonski

Mr. Lubonski sent a written request to reschedule his hearing for the next board meeting in February. Ms. Kelly read the request aloud during the meeting. A motion was made to reschedule the hearing by Mr. Maher, seconded by Ms. Zaragoza. The motion unanimously carried.

NEW BUSINESS

Pharmacist and Intern Licensure Approval Ratifications

A motion was made by Ms. Zaragoza, seconded by Ms. Esposito, s. Robbins, to ratify the approval of the Pharmacist applications of Harlan J. Smith, Etsegenet H Menji, Maria D Seeke, Nicholas J Carini, Kyle R Mason, Jennifer L Reyes, Patricia A Owusu, Kristi Ann Kubosh, Jayshreee R Shingala, Sheetal Dixit, Elyse I Rabin-Tepper. Rina Kelley, Na'Teka Shelton, Chad Forinash, David Dinh, and Gary Sobocinski. TThe motion unanimously carried.

Non-Resident Pharmacy Licensure Approval Ratifications

A motion was made by Ms. Zaragoza, seconded by Mr. Galloway to ratify the approval of the non-resident pharmacy applications of Millennium Pharmacy Systems, MD, Meds Direct Rx of NY, Henry Ford Pharmacy Advantage, MI, Noble Health Services, NY, 700 Pharmacy, PA, Central Rexall Drugs, LA, Titan Rx, NJ, Cropwell Pharmacy, NJ, Colonia Natural Pharmacy, NJ, Reeves-Sain Drugstore, MS, Insight Pharmaceutical Solutions, PA, ProAct Pharmacy Services, NY, A&K Medical Supply, VA, Apothecary of Harleysville, PA, Empower Pharmacy, TX, Sunflower Discount Pharmacy, MS, Inverness Apothecary-Trinity, AL, Imperial Point Pharmacy City, FL, Cornerstone Compounding Pharmacy CA, American Homecare Federation, CT, Canyon Creek Pharmacy, TX, Sina Drug, KY, RX of Boca, FL, OncoMed The Oncology Pharmacy, KY. Green Valley Drugs, Goot Nursing Home Pharmacy, Inc., Walgreen Co., Mead Square Pharmacy, Inc., Prescription Dynamics, Inc., Arrow Pharmacy Holdings, LLC, HomeChoice Partners, Inc., and Pharmaceutical Specialties, Inc. The motion unanimously carried.

Wholesale Distributor Licensure Approval Ratifications

A motion was made by Ms. Zaragoza, seconded by Mr. Galloway, to ratify the approval of the wholesale distributor applications of Reliance Wholesale, TN, Turning Point Logistics, OH, Fagron

Holding/B&B Pharmacy, CO, Calvin Scott & Co., NM, PSS World Medical, FL, Atlantic Biologicals, FL, McKesson Medical-Surgical, VA. DPT Laboratories, Ltd., Antigen Laboratories, Watson Pharma, Inc., Grifols USA, LLC, and Matheson Tri-Gas, Inc. The motion unanimously carried.

Medical Gas Dispensers

A motion was made by Ms. Zaragoza, seconded by Mr. Galloway, to ratify the approval of the Medical Gas Dispensers application MRB Acquisition Corp, FL, UniversalMed Supply, TX. The motion unanimously carried.

Retail Pharmacy Licensure Approval Ratification

A motion was made by Ms. Zaragoza, seconded by Mr. Galloway, to ratify the approval of the retail pharmacy application Walgreens #113823, DE, Atlantic Apothecary Middletown, Smyrna, DE. The motion unanimously carried.

Pharmacist-In-Charge Interviews

Ms. Robbins conducted a PIC interview for Kelsey Miksic. She is employed by CVS Caremark Rehoboth, DE.

Review and Discussion of Consent Agreement

The board tabled the Consent Agreement of Neil A Bavitz, pending a response for more information from the Deputy Attorney Generals office.

Review Request for Approval to Re-exam

The board reviewed a written request from Hetalben B. Patel requesting the board to provide additional options that would allow her to re-exam. The board and Ms. Kelly reviewed 24 Del. C. §2509 (b) and regulation 1.2.5 and determined that the board does not have the authority to provide another option. Ms. Patel's only options would be to complete three months internship and/or complete a one semester college course on jurisprudence. A motion was made by Ms. Esposito, seconded by Ms. Zaragoza, to deny her request for an additional avenue to re-exam. The motion unanimously carried. Mr. Dryden will forward board correspondence to Ms. Patel accordingly.

Review of Applications by DAG

Pharmacy board DAG Eileen Kelly provided guidance on the following disciplinary actions for applications received followed by the board ruling:

A&A Drug Co. dba: Sav-Rx Pharmacy, a motion was made by Mr. Galloway, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

Grane Supply, a motion was made by Ms. Zaragoza, seconded by Ms. Wallner, to approve the application. The motion unanimously carried.

BrioRx of Indiana, a motion was made by Mr. Galloway, seconded by Ms. Esposito, to approve the application. The motion unanimously carried.

Orchard Pharmaceuticals, a motion was made by Ms. Wallner, seconded by Ms. Zaragoza, to approve the application. The motion unanimously carried.

A motion was unanimously made to skip 5.7 and 5.8 of the agenda until later in the meeting.

COMMITTEE REPORTS

Legislative – Jay Galloway, Kim Robbins and David Dryden

None

Continuing Education – Joli Martini:

None

Consumer Affairs – Matthew Maher and Jay Galloway:

Ms. Robbins expressed concerns regarding the eroding supply of narcotics and the many phone calls that are received from patients that need required medications and cannot locate them. Ms. Robbins is not sure that the board can do anything to correct this but, Ms. Robbins feels that many patients are being under served by the controlled substance act and the issues it has created. Mr. Dryden has spoken with the Governor's office, several Senators' offices, as well as the secretary of state's office regarding this issue around the controlled substance act and the issue that is preventing patients from having access to their needed medications. Ms. Esposito expressed concerns in the hospital setting regarding the lack of inventory for injectable controlled medications as well.

Professional Liaisons – Sandra Zaragoza:

Ms. Zaragoza provided the board of directors a report from the Delaware Pharmacists Society meeting which was held on Tuesday December 3, 2013.

Controlled Substance Liaisons – Jay Galloway and David Dryden:

Mr. Dryden reported that the Controlled Substance regulation pertaining to dispensing, security, and records are still being addressed.

COMMITTEE UPDATES REGARDING PROPOSED REGULATIONS

USP 795 & 797 Committee – Brenda Pavlic,

Sandra Zaragoza, Hooshang Shanehsaz, Calvin Freedman and David Dryden:

Mr. Dryden stated a committee meeting will be scheduled sometime in February and provided a handout from NABP regarding the guidelines which will be discussed in detail at that meeting.

Pharmacy Technician Licensure Committee – Matt Maher, Kim Robbins, Kevin Musto, Maryanne Holzapfel, Anne Pyle and David Dryden:

Ms. Robbins attended the DPS in which she asked for their support of Pharmacy Technician licensure. DPS legislation committee has agreed to support the effort and assist our committee in getting this legislation moving forward. Ms. Robbins stated a committee meeting will be held immediately after the pharmacy board meeting February 19, 2014.

BOARD CORRESPONDENCE

NABP, NAPLEX Content Updates from Practice Guidelines Changes handout provided.

NABP, TOEFL iBT Passing Standards Increase handout provided.

DPHMP, Delaware Professionals' Health Monitoring Program brochure provided.

EXECUTIVE SECRETARY AND INSPECTION REPORT - David Dryden, Samantha Nettesheim

Mr. Dryden reported that he is working with the Delaware State Police regarding the passage of pseudoephedrine legislation. DSP is in charge of this issue.

Practitioners who hold a controlled substance registration had until January 1st to register with the Prescription Monitoring Program. Currently 75% of the practitioners required to register have done so. We are in the process of contacting the remaining 25% to assure that they understand they are required to register and assist when needed.

Mr. Dryden made the board aware of the Division of Professional Regulation's new director David Mangler, effective January 13, 2014.

Mr. Dryden informed the board that interviews are currently being conducted for the inspector position that is currently open.

Ms. Nettesheim reported that by March 2014, NJ should be sharing information with Delaware.

NEWSLETTER UPDATES

None

OTHER BUSINESS BEFORE THE BOARD

Mr. Dryden reminded the board of the Rules and Regulations hearing in February.

PUBLIC COMMENT

Mr. Kevin Musto discussed the denial of controlled substances and the impact on patients at the pharmacy level.

NEXT SCHEDULED MEETING

The next meeting is scheduled for February 19, 2014 at 9:30 am., conference room A.

ADJOURNMENT

There being no other business before the board, a motion was made by Ms. Zaragoza, seconded by Mr. Galloway to adjourn the meeting. The meeting was adjourned at 11:51am.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast", written in a cursive style.

Christine Mast
Administrative Specialist III